APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,208	09/08/2003	Martin Fischer	7781.0086-00	7499

			EXAMINER
22852	7590	10/27/2006	MORRISON, JAY A

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

ART UNIT	PAPER NUMBER
2168	

DATE MAILED: 10/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/656,208	FISCHER ET AL.
	Examiner	Art Unit	
	Jay A. Morrison	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on <u>13 October 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-28</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-28</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>08 September 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Remarks

1.   Claims 1-28 are pending.

2.   Applicants noted that claims 2, 9, and 16 being amended to depend from claim

6,13, and 20, respectively, and the Final Office Action filed 8/22/06 failing to reflect this

changed dependency. The Examiner notes the problem and regrets the mistake, and

this Final Office Action replaces the Action filed 8/22/06 in order to make the record

clear.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

Claims 1-7 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

Claims 1-7 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. The cited claims do not produce a tangible

result. The claims do not recite a practical application by producing a physical

transformation or producing a useful, concrete, and tangible result. To perform a

physical transformation, the claimed invention must transform an article or physical

object into a different state or thing. Transformation of data is not a physical

transformation. A useful, concrete, and tangible result must be either specifically recited

in the claim or flow inherently therefrom. To be useful the claimed invention must

establish a specific, substantial, and credible utility. To be concrete the claimed

invention must be able to produce the same results given the same initial starting

conditions. To be tangible the claimed invention must produce a practical application or

real world result. In this case the claims fail to perform a physical transformation

because the claims are directed to operating on data. The claims are useful and

concrete, but they fail to product a tangible result because neither the function nor any

results are stored in non-volatile media or, for example, made tangible by being

returned to a user.

Additionally, the claims are directed towards a method for controlling access,

however the limitations are directed towards abstract ideas that does not accomplish

the method as stated in the preamble.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1,3,5,8,10,12,15,17,19 are rejected under 35 U.S.C. 102(e) as being

anticipated by Teng et al. ('Teng' hereinafter) (Patent Number 6,944,615).

As per claim 1, Teng teaches

"checking, before accessing the data object, whether the ID is contained in a lock

object and the ID is associated with a storage location" (column 3, lines 32-45);

"and accessing the data object, if the ID is not contained in the lock object or if

the ID is not yet associated with a storage location" (if no X-lock, column 3, lines 32-45).

As per claim 3, Teng teaches

"the lock object comprises a table, having a column for the ID and a column for a

link to the storage location associated with the ID" (column 7, lines 36-48; lock table,

figure 4(b)).

As per claim 5, Teng teaches

"the data object comprises one or more fields of one or more tables and wherein

the ID comprises one or more key fields of the one or more tables" (column 2, lines 24-

34).

As per claim 8, Teng teaches

This claim is rejected on grounds corresponding to the arguments given above

for rejected claim 1 and is similarly rejected.

As per claim 10, <u>Teng</u> teaches

This claim is rejected on grounds corresponding to the arguments given above

for rejected claim 3 and is similarly rejected.

As per claim 12, <u>Teng</u> teaches

This claim is rejected on grounds corresponding to the arguments given above

for rejected claim 5 and is similarly rejected.

As per claim 15, <u>Teng</u> teaches

This claim is rejected on grounds corresponding to the arguments given above

for rejected claim 1 and is similarly rejected.

As per claim 17, <u>Teng</u> teaches

This claim is rejected on grounds corresponding to the arguments given above

for rejected claim 3 and is similarly rejected.

As per claim 19, <u>Teng</u> teaches

This claim is rejected on grounds corresponding to the arguments given above

for rejected claim 5 and is similarly rejected.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 6-7,13-14,20-26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Teng et al. ('Teng' hereinafter) (Patent Number 6,944,615) as applied

to claims 1 and above, and further in view of Bamford et al. ('Bamford' hereinafter)

(Patent Number 6,507,853).

As per claim 6, Teng teaches

"the ID" (column 3, lines 32-45).

Teng does not explicitly indicate "before performing the check, storing ... in a

second lock object, which is stored in a volatile storage means".

However, Bamford discloses "before performing the check, storing ... in a second

lock object, which is stored in a volatile storage means" (W lock, column 5, lines 51-61).

It would have been obvious to one of ordinary skill in the art to combine Teng and

Bamford because using the steps of "before performing the check, storing ... in a

second lock object, which is stored in a volatile storage means" would have given those

skilled in the art the tools to make sure a desired resource is locked in the appropriate

mode. This gives the user the advantage of being able to obtain secondary or

destination locks for safely moving data.

As per claim 7,

Teng does not explicitly indicate "checking, whether the ID has been successfully

stored in the second lock object before accessing the data object and, if the ID has not

been successfully stored in the second lock object, not accessing the data object".

However, Bamford discloses "checking, whether the ID has been successfully

stored in the second lock object before accessing the data object and, if the ID has not

been successfully stored in the second lock object, not accessing the data object"

(column 5, lines 51-61).

It would have been obvious to one of ordinary skill in the art to combine Teng and

Bamford because using the steps of "checking, whether the ID has been successfully

stored in the second lock object before accessing the data object and, if the ID has not

been successfully stored in the second lock object, not accessing the data object" would

have given those skilled in the art the tools to make sure a desired resource is locked in

the appropriate mode. This gives the user the advantage of being able to obtain

secondary or destination.locks for safely moving data.

As per claims 13-14,

These claims are rejected on grounds corresponding to the arguments given

above for rejected claims 6-7 and are similarly rejected.

As per claims 20-21,

These claims are rejected on grounds corresponding to the arguments given

above for rejected claims 6-7 and are similarly rejected.

As per claim 22, Teng teaches

"a structure for controlling access to a data object having an identifier (ID), the

structure comprising a first lock object, storing the ID object of the data object and a link

to a storage location where the data object is stored" (column 7, lines 36-48; lock table,

figure 4(b)),

"storing the ID of the data object" (column 7, lines 36-48; lock table, figure 4(b)).

Teng does not explicitly indicate "and a second lock".

However Bamford discloses "and a second lock object" (W lock, column 5, lines

51-61).

It would have been obvious to one of ordinary skill in the art to combine Teng and

Bamford because using the steps of "and a second lock object" would have given those

skilled in the art the tools to make sure a desired resource is locked in the appropriate

mode. This gives the user the advantage of being able to obtain secondary or

destination locks for safely moving data.

As per claims 23,

This claim is rejected on grounds corresponding to the arguments given above

for rejected claim 3 and is similarly rejected.

As per claims 24,

This claim is rejected on grounds corresponding to the arguments given above

for rejected claim 5 and is similarly rejected.

As per claims 25,

This claim is rejected on grounds corresponding to the arguments given above

for rejected claim 5 and is similarly rejected.

As per claim 26, <u>Teng</u> teaches

"the first and second lock objects are created by a data moving or data archiving

process" (column 5, lines 51-61).

8.   Claims 2,4,9,11,16,18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over <u>Teng et al.</u> ('<u>Teng</u>' hereinafter) (Patent Number 6,944,615) in view of

<u>Bamford et al.</u> ('<u>Bamford</u>' hereinafter) (Patent Number 6,507,853) and further in view of

<u>Daynes</u> (Patent Number 6,772,255).

As per claim 2,

Teng does not explicitly indicate "deleting the ID from the second lock object, if the ID is not yet associated with a storage location".

However, Daynes discloses "deleting the ID from the second lock object, if the ID is not yet associated with a storage location" (remove unused lock states, column 11, lines 1-10).

It would have been obvious to one of ordinary skill in the art to combine Teng and Daynes because using the steps of "deleting the ID from the second lock object, if the ID is not yet associated with a storage location" would have given those skilled in the art the tools to administer locking and unlocking resources. This gives the user the advantage of making sure that unused locks are cleared.

As per claim 4,

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 3 and is similarly rejected.

As per claim 9,

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 2 and is similarly rejected.

As per claim 11,

This claim is rejected on grounds corresponding to the arguments given above

for rejected claim 3 and is similarly rejected.

As per claim 16,

This claim is rejected on grounds corresponding to the arguments given above

for rejected claim 2 and is similarly rejected.

As per claim 18,

This claim is rejected on grounds corresponding to the arguments given above

for rejected claim 3 and is similarly rejected.

9.   Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Teng et al. ('Teng' hereinafter) (Patent Number 6,944,615) in view of Josten et al.

('Josten' hereinafter) (Patent Number 5,761,660).

As per claim 27, Teng teaches

selecting the data object having the ID; (column 3, lines 32-45)

determining whether a transactional lock has been successfully set on the data

object; (column 3, lines 32-45)

and deleting the transactional lock. (column 9, lines 7-9)

Teng does not explicitly indicate "determining whether a permanent lock has

been set on the data object based on the transactional lock being successfully set on

the data object; granting read/write access to the data object based on the permanent lock not being set on the data object".

However, Josten discloses "determining whether a permanent lock has been set on the data object based on the transactional lock being successfully set on the data object; granting read/write access to the data object based on the permanent lock not being set on the data object" (column 11, lines 32-54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Teng and Josten because using the steps of "determining whether a permanent lock has been set on the data object based on the transactional lock being successfully set on the data object; granting read/write access to the data object based on the permanent lock not being set on the data object" would have given those skilled in the art the tools to improve the invention by maintaining and managing global locking. This gives the user the advantage of being able to safely access objects across networks.

As per claim 28, Teng teaches

selecting the data object; (column 3, lines 32-45)

Teng does not explicitly indicate "checking, before accessing the data object, whether the ID is contained in a permanent lock object, wherein the data object is scheduled to be archived if the data object's ID is contained in the permanent lock object; and granting access to the data object if the ID is not contained in the permanent lock object."

However, Josten discloses "checking, before accessing the data object, whether the ID is contained in a permanent lock object, wherein the data object is scheduled to be archived if the data object's ID is contained in the permanent lock object; and granting access to the data object if the ID is not contained in the permanent lock object" (column 11, lines 32-54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Teng and Josten because using the steps of "checking, before accessing the data object, whether the ID is contained in a permanent lock object, wherein the data object is scheduled to be archived if the data object's ID is contained in the permanent lock object; and granting access to the data object if the ID is not contained in the permanent lock object" would have given those skilled in the art the tools to improve the invention by maintaining and managing global locking. This gives the user the advantage of being able to safely access objects across networks.

Response to Arguments

10.   Applicant's arguments regarding claims 1-26 filed 10/13/06 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 27-28 have been considered but are moot in view of the fact that these claims are new and have not yet been examined.

With regards to the 35 U.S.C 101 issues, it is respectfully submitted that accessing lock objects before accessing data does not produce a tangible result.

With regards to Applicant's arguments that neither <u>Teng</u>, <u>Teng</u> in view of <u>Daynes</u>, nor <u>Teng</u> in view of <u>Bamford</u> disclose "checking, before accessing the data object, whether the ID is contained in a lock object and the ID is associated with a storage location; and accessing the data object, if the ID is not contained in the lock object or if the ID is not yet associated with a storage location", it is noted that <u>Teng</u> does in fact teach that the lock manager will not grant more than one lock for a single table row (column 3, lines 32-45). Therefore, the lock manager does in fact check whether the ID is associated with a storage location, which is equivalent to <u>Teng's</u> single table row.

With regards to Applicant's arguments neither <u>Teng</u> nor <u>Teng</u> in view of <u>Daynes</u> disclose "the lock object comprises a table, having a column for the ID and a column for a link to the storage location associated with the ID", it is noted that <u>Teng</u> does disclose a RID (column 7, lines 44-47) which contains a link to the target storage location, therefore the claim is in fact disclosed.

With regards to Applicant's argument that <u>Teng</u> in view of <u>Bamford</u> does not disclose "a first lock object, storing the ID of the data object and a link to a storage location where the data object is stored", it is noted that <u>Teng</u> does disclose a transaction (column 7, lines 44-47) which contains a link to the target storage location, and the Bamford reference does in fact teach a second lock (column 5, lines 51-61), and although locks typically contain some indication of what they are locking the Teng reference explicitly disclose this as noted. Therefore the claim is in fact disclosed.

Conclusion

11.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

The prior art made of record, listed on form PTO-892, and not relied upon is

considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jay A. Morrison whose telephone number is (571) 272-

7112. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

TIM VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Jay Morrison   Tim Vo
TC2100   TC2100